



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline for Schedule Information for Chicago O'Hare International Airport, John F. Kennedy International Airport, Los Angeles International Airport, Newark Liberty International Airport, and San Francisco International Airport for the Summer 2022 Scheduling Season

AGENCY: Department of Transportation, Federal Aviation Administration (FAA).

ACTION: Notice of submission deadline.

SUMMARY: Under this notice, the FAA announces the submission deadline of October 7, 2021, for Summer 2022 flight schedules at Chicago O'Hare International Airport (ORD), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO).

DATES: Schedules should be submitted by October 7, 2021.

ADDRESSES: Schedules may be submitted to the Slot Administration Office by e-mail to: 7-AWA-slotadmin@faa.gov.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Manager, Slot Administration, AJR-G, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, DC 20591; telephone (202) 267-2822; e-mail Al.Meilus@faa.gov.

SUPPLEMENTARY INFORMATION: This document provides routine notice to carriers serving capacity-constrained airports in the United States, including Chicago O'Hare International Airport (ORD), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), and San Francisco International Airport (SFO). In particular, this notice announces the deadline for carriers to submit schedules for the Summer 2022 scheduling season. The FAA deadline coincides with the schedule submission deadline established in the International Air Transport Association (IATA) Calendar of Coordination Activities.

General Information for All Airports

The FAA has designated EWR, LAX, ORD, and SFO as IATA Level 2 airports¹ subject to a schedule review process premised upon voluntary cooperation. The FAA has designated JFK as an IATA Level 3 airport consistent with the Worldwide Slot Guidelines (WSG), now generally known as the Worldwide Airport Slot Guidelines (WASG).² The FAA currently limits scheduled operations at JFK by order that expires on October 29, 2022.³ The Summer 2022 scheduling season is from March 27, 2022, through October 29, 2022, in recognition of the IATA summer scheduling period. Notwithstanding that carriers may presently face uncertainty about their international operations in light of coronavirus disease 2019 (COVID-19), carriers should plan and submit their schedules under the assumption that no relief will be granted at Level 2 and Level 3 airports during the Summer 2022 scheduling season.⁴ The FAA and the Office of the Secretary will continue to monitor industry developments closely and will announce any possible COVID-19-related relief, if it is deemed necessary, in a separate notice. Any possible relief for the Summer 2022 scheduling season and any possible action to alter the established rules and policies for slot management and schedule facilitation in the United States are not within the scope of this notice. The FAA does, however, understand the need for carriers to plan in advance with as much certainty as possible regarding the applicable regulatory and procedural framework. As the industry gradually recovers, new entrant and other carriers have commenced some operations using capacity that was not being operated by the carriers having

¹ These designations remain effective until the FAA announces a change in the Federal Register.

² The FAA generally applies the WSG to the extent there is no conflict with U.S. law or regulation. The FAA is reviewing recent substantive amendments to the WSG adopted in edition 10. The FAA recognizes the WSG has been replaced by the WASG edition 1 effective June 1, 2020. While the FAA is considering whether to implement certain changes in the United States, it will continue to apply WSG edition 9.

³ Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently extended 85 FR 58258 (Sep. 18, 2020). The slot coordination parameters for JFK are set forth in this Order.

⁴ For additional information on COVID-19 impacts at designated IATA Level 2 and 3 airports in the United States and actions taken by the FAA to preserve stability through the Summer 2021 scheduling season, *see* FAA Policy Statement: Limited, Conditional Extension of COVID-19 Related Relief for the Summer 2021 Scheduling Season, Docket No. FAA-2020-0862 (Jan. 14, 2021). *See also* Notice of proposed extension of a limited, conditional waiver of the minimum slot usage requirement for all international operations. 86 FR 52114 (Sep. 20, 2021).

historic precedence to that capacity under the waiver policy. The DOT/FAA seeks to facilitate all segments of the industry's recovery from the pandemic and ensure that the transportation needs of the American people are efficiently met, especially during the economic recovery. Therefore, carriers should not assume further relief will be made available for the Summer 2022 scheduling season.

The FAA is primarily concerned about scheduled and other regularly conducted commercial operations during designated hours, but carriers may submit schedule plans for the entire day. The designated hours for the Summer 2022 scheduling season are: at EWR and JFK from 0600 to 2300 Eastern Time (1000 to 0300 UTC), at LAX and SFO from 0600 to 2300 Pacific Time (1300 to 0600 UTC), and at ORD from 0600 to 2100 Central Time (1100 to 0200 UTC). These hours are unchanged from previous scheduling seasons.

Carriers should submit schedule information in sufficient detail including, at minimum, the marketing or operating carrier, flight number, scheduled time of operation, frequency, aircraft equipment, and effective dates. IATA standard schedule information format and data elements for communications at Level 2 and Level 3 airports in the IATA Standard Schedules Information Manual (SSIM) Chapter 6 may be used. The WSG provides additional information on schedule submissions at Level 2 and Level 3 airports. Some carriers at JFK manage and track slots through FAA-assigned Slot ID numbers corresponding to an arrival or departure slot in a particular half-hour on a particular day of week and date. The FAA has a similar voluntary process for tracking schedules at EWR with Reference IDs, and certain carriers are managing their schedules accordingly. These are primarily U.S. and Canadian carriers that have the highest frequencies and considerable schedule changes throughout the season and can benefit from a simplified exchange of information not dependent on full flight details. Carriers are encouraged to submit schedule requests at those airports using Slot or Reference IDs.

As stated in the WSG, schedule facilitation at a Level 2 airport is based on the following:

- 1) schedule adjustments are mutually agreed upon between the carriers and the facilitator; 2) the

intent is to avoid exceeding the airport's coordination parameters; 3) the concepts of historic precedence and series of slots do not apply at Level 2 airports; although WSG recommends giving priority to approved services that plan to operate unchanged from the previous equivalent season at Level 2 airports, and 4) the facilitator should adjust the smallest number of flights by the least amount of time necessary to avoid exceeding the airport's coordination parameters. Consistent with the WSG, the success of Level 2 in the United States depends on the voluntary cooperation of carriers.

The FAA considers several factors and priorities as it reviews schedule and slot requests at Level 2 and Level 3 airports, which are consistent with the WSG, including – historic slots or services from the previous equivalent season over new demand for the same timings, services that are unchanged over services that plan to change time or other capacity relevant parameters, introduction of year-round services, effective period of operation, regularly planned operations over *ad hoc* operations, and other operational factors that may limit a carrier's timing flexibility. In addition to applying these priorities from the WSG, the U.S. Government has adopted a number of measures and procedures to promote competition and new entry at U.S. slot-controlled and schedule-facilitated airports.

Consistent with the limited, conditional extension of COVID-19 related relief for the Summer 2021 scheduling season⁵, slots or schedules operated as approved on a non-historic or an *ad hoc* basis in Summer 2021 will be given priority over new requests for the same timings in Summer 2022, subject to capacity availability and consistent with established rules and policies in effect in the United States. This priority applies to slot or schedule requests for Summer 2022, which are comparable in timing, frequency, and duration to the *ad hoc* approvals made by the FAA for Summer 2021. This priority does not affect the historic precedence or priority of slot holders and carriers with schedule approvals, respectively, which met the conditions of the

⁵ See FAA Policy Statement: Limited, Conditional Extension of COVID-19 Related Relief for the Summer 2021 Scheduling Season, Docket No. FAA-2020-0862 (Jan. 14, 2021).

waiver during Summer 2021 and which seek to resume operating in Summer 2022. The FAA may consider this priority in the event that slots with historic precedence become available for permanent allocation by the FAA. Foreign air carriers seeking priority under this provision will be required to represent that their home jurisdiction will provide reciprocal priority to U.S. carrier requests of this nature.

At Level 2 airports, the FAA seeks to maintain close communications with carriers and terminal schedule facilitators on potential runway schedule issues or terminal and gate issues that may affect the runway times. As explained in prior notices, the FAA also seeks to reduce the time that carriers consider proposed offers on schedules. To allow the FAA to make informed decisions at airports where operations in some hours are at or near the desired scheduling limits, the FAA expects it will substantially complete the review process on initial submissions each scheduling season within 30 days of the end of the Slot Conference. After this time, the agency confirms the acceptance of proposed offers or informs carriers of available alternative times, as applicable.

Slot management in the United States differs in some respect from procedures in other countries. In the United States, the FAA is responsible for facilitation and coordination of runway access for takeoffs and landings at Level 2 and Level 3 airports; however, the airport authority or its designee is responsible for facilitation and coordination of terminal/gate/airport facility access. The process with the individual airports for terminal access and other airport services is separate from, and in addition to, the FAA schedule review based on runway capacity.

Generally, the FAA uses average hourly runway capacity throughput for airports and performance metrics in conducting its schedule review at Level 2 airports and determining the scheduling limits at Level 3 airports included in FAA rules or orders.⁶ The FAA also considers

⁶ The FAA typically determines an airport's average adjusted runway capacity or typical throughput for Level 2 airports by reviewing hourly data on the arrival and departure rates that air traffic control indicates could be accepted for that hour, commonly known as "called" rates. The FAA also reviews the actual number of arrivals and departures that operated in the same hour. Generally, the FAA uses the higher of the two numbers, called or actual,

other factors that can affect operations, such as capacity changes due to runway, taxiway, or other airport construction, air traffic control procedural changes, airport surface operations, and historical or projected flight delays and congestion.

Finally, the FAA notes that the schedule information submitted by carriers to the FAA may be subject to disclosure under the Freedom of Information Act (FOIA). The WSG also provides for release of information at certain stages of slot coordination and schedule facilitation. In general, once it acts on a schedule submission or slot request, the FAA may release information on slot allocation or similar slot transactions or schedule information reviewed as part of the schedule facilitation process. The FAA does not expect that practice to change and most slot and schedule information would not be exempt from release under FOIA. The FAA recognizes that some carriers may submit information on schedule plans that is both customarily and actually treated as private. Carriers that submit such confidential schedule information should clearly mark the information, or any relevant portions thereof, as proprietary information (“PROPIN”). The FAA will take the necessary steps to protect properly designated information to the extent allowable by law.

EWR General Information

Consistent with the WSG, carriers are asked for their voluntary cooperation to adjust schedules to meet the targeted scheduling limits in order to minimize potential congestion and delay. For the Summer 2022 season, the voluntary, targeted hourly scheduling limit remains at 79 operations and 43 operations per half-hour.⁷ To help with a balance between arrivals and departures, the targeted maximum number of scheduled arrivals or departures, respectively, is 43 in an hour and 24 in a half-hour. These targets are expected to allow some higher levels of

for identifying trends and schedule review purposes. Some dates are excluded from analysis, such as during periods when extended airport closures or construction could affect capacity.

⁷ 83 FR 21335 (May 9, 2018).

operations in certain periods (not to exceed the hourly limits) and some recovery from lower demand in adjacent periods. Consistent with general established practice at EWR, the FAA will accept flights above the limits if the flights were operated as approved, or treated as operated, by the same carrier on a regular basis in the previous corresponding season (*i.e.*, Summer 2021).

Notwithstanding the targeted limits at EWR previously described, OST and the FAA have announced the intent to reintroduce and reassign 16 peak afternoon and evening runway timings, which were historically approved for operation by Southwest Airlines, Inc. at EWR prior to the carrier's exit from the airport in November 2019. As proposed, these 16 timings would be reassigned for the benefit of a single low-cost carrier or ultra-low-cost carrier at EWR.⁸ This proposed EWR reassignment process responds to the decision of the Court of Appeals for the D.C. Circuit in *Spirit Airlines v. DOT, et al.*, and furthers the whole of government approach to competition embodied in the President's Executive Order on Promoting Competition in the American Economy (EO 14036). This proposed reassignment of schedule timings at EWR is an independent process outside of the FAA's routine schedule review process. While the FAA would accommodate the reassignment of the 16 peak afternoon and evening operations as proposed in the September 20, 2021 notice, the FAA would continue to seek voluntary cooperation from all carriers to adjust schedules at EWR in an effort to manage the operation within the desired scheduling limits. Once the reassignment proceeding is complete, the FAA would seek to work in coordination with the awarded carrier to adjust schedules within the peak afternoon and evening period, including minor changes between adjacent half hours, in the interest of optimizing efficiency and accommodating the carrier's schedule plans, consistent with the usual Level 2 process.

⁸ Reassignment of Schedules at Newark-Liberty International Airport, 86 FR 52285 (Sept. 20, 2021). The proposed reassignment process was subject to public comment. Comments were due in docket DOT-OST-2021-0103 no later than Monday, September 27, 2021.

Issued in Washington, DC on September 30, 2021.

Virginia T. Boyle

Vice President,

System Operations Services

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